



State of Wisconsin
2009 - 2010 LEGISLATURE

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2009 BILL

LRB-2993/1

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AN ACT *to repeal* 48.21 (5) (d) 2., 48.21 (5) (d) 3., 48.355 (2d) (c) 2., 48.355 (2d) (c) 3., 48.357 (2v) (c) 2., 48.357 (2v) (c) 3., 48.365 (2m) (ad) 2., 938.21 (5) (d) 2., 938.21 (5) (d) 3., 938.355 (2d) (c) 2., 938.355 (2d) (c) 3., 938.357 (2v) (c) 2., 938.357 (2v) (c) 3. and 938.365 (2m) (ad) 2.; *to renumber and amend* 48.21 (5) (d) 1., 48.355 (2d) (c) 1., 48.357 (2v) (c) 1., 48.365 (2m) (ad) 1., 48.38 (4) (br), 48.38 (5m) (c), 48.43 (5) (b), 938.21 (5) (d) 1., 938.355 (2d) (c) 1., 938.357 (2v) (c) 1., 938.365 (2m) (ad) 1., 938.38 (4) (br) and 938.38 (5m) (c); *to amend* 46.238, 48.21 (5) (c), 48.245 (2) (b), 48.27 (3) (a) 1m., 48.27 (6), 48.32 (1) (b) 1. c., 48.32 (1) (b) 3., 48.33 (4) (c), 48.335 (3g) (c), 48.355 (2) (b) 6., 48.355 (2b), 48.355 (2d) (bm), 48.357 (2m) (b), 48.357 (2r), 48.357 (2v) (b), 48.363 (1) (b), 48.363 (1m), 48.365 (2g) (b) 3., 48.365 (2m) (a) 3., 48.365 (2m) (ag), 48.38 (3), 48.38 (4) (fm), 48.38 (4) (h) (intro.), 48.38 (4m) (b) and (d), 48.38 (5) (b), 48.38 (5) (bm) 1., 48.38 (5) (c) 6. (intro.), 48.38 (5) (c) 7., 48.38 (5) (d), 48.38 (5) (e), 48.38 (5m) (b), 48.38 (5m) (d), 48.38 (5m) (e), 48.417 (1) (a), 48.42 (2g) (am), 48.427 (1m), 48.43 (1) (cm),

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48.43 (5) (b) 3., 48.43 (5m), 48.63 (5) (d) 4., 48.648, 48.834 (2), 48.977 (2) (f),
146.0255 (2), 146.0255 (3) (b), 767.41 (3) (am), 767.41 (3) (c), 938.21 (5) (c),
938.27 (3) (a) 1m., 938.27 (6), 938.32 (1) (c) 1. c., 938.32 (1) (c) 3., 938.33 (4) (c),
938.335 (3g) (c), 938.355 (2) (b) 6., 938.355 (2b), 938.355 (2d) (bm), 938.355 (6)
(cm), 938.355 (6m) (cm), 938.357 (2r), 938.357 (2v) (b), 938.363 (1) (b), 938.363
(1m), 938.365 (2), 938.365 (2g) (b) 3., 938.365 (2m) (a) 3., 938.365 (2m) (ag),
938.38 (3) (intro.), 938.38 (4) (fm), 938.38 (4) (h) (intro.), 938.38 (4m) (b) and (d),
938.38 (5) (b), 938.38 (5) (bm) 1., 938.38 (5) (c) 6. (intro.), 938.38 (5) (c) 7., 938.38
(5) (d), 938.38 (5) (e), 938.38 (5m) (b), 938.38 (5m) (d) and 938.38 (5m) (e); **to**
repeal and recreate 48.27 (3) (a) 1m., 48.27 (6), 48.357 (2m) (b), 48.357 (2r),
48.363 (1) (b), 48.363 (1m), 48.365 (2m) (ag), 48.38 (5) (b), 48.38 (5) (e), 48.38
(5m) (b), 48.38 (5m) (c) 1., 48.38 (5m) (e), 48.42 (2g) (am), 48.427 (1m), 48.43 (5)
(b) 1., 48.43 (5m), 767.41 (3) (c), 938.27 (3) (a) 1m., 938.27 (6), 938.357 (2r),
938.363 (1) (b), 938.363 (1m), 938.365 (2), 938.365 (2m) (ag), 938.38 (5) (b),
938.38 (5) (e), 938.38 (5m) (b), 938.38 (5m) (c) 1. and 938.38 (5m) (e); and **to**
create 48.21 (3) (f), 48.21 (5) (b) 2m., 48.21 (5) (e), 48.32 (1) (b) 1m., 48.33 (4)
(d), 48.335 (3g) (d), 48.335 (6), 48.355 (2) (b) 6p., 48.355 (2) (cm), 48.357 (1) (c)
2m., 48.357 (2m) (bm), 48.357 (2v) (a) 2m., 48.357 (2v) (d), 48.365 (2m) (a) 1m.,
48.38 (4) (br) 2., 48.38 (4) (i), 48.38 (4m), 48.38 (5) (bm), 48.38 (5) (c) 8., 48.38
(5m) (c) 2., 48.43 (5) (b) 2., 48.43 (5) (b) 3., 48.648, 48.78 (2) (i), 48.78 (2) (j),
48.981 (7) (a) 4m., 48.981 (7) (a) 4p., 48.999, 757.69 (1) (g) 14., 938.21 (2) (e),
938.21 (3) (f), 938.21 (5) (b) 2m., 938.21 (5) (e), 938.32 (1) (c) 1m., 938.33 (4) (d),
938.335 (3g) (d), 938.335 (6), 938.355 (2) (b) 6p., 938.355 (2) (cm), 938.357 (1)
(c) 2m., 938.357 (2m) (bm), 938.357 (2v) (a) 2m., 938.357 (2v) (d), 938.365 (2m)
(a) 1m., 938.38 (4) (br) 2., 938.38 (4) (i), 938.38 (4m), 938.38 (5) (bm), 938.38 (5)

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(c) 8., 938.38 (5m) (c) 2., 938.78 (2) (i), 938.78 (2) (j) and 938.9995 of the statutes; **relating to:** requiring consultation with a child in determining and reviewing his or her permanency plan; requiring agencies, in making reasonable efforts to place a child in a permanent placement, to include efforts to place the child outside this state; requiring juvenile courts to take certain actions to expedite the interstate placement of children; requiring juvenile courts to give a child's out-of-home care provider the right to be heard in proceedings involving the child; requiring notice to relatives when a child is removed from the home; requiring reasonable efforts to place siblings together or to provide for visitation between siblings; requiring agencies to assist children in developing a plan for transition to independent living; requiring health care providers to report cases of infants with controlled substances in their bodily fluids to the agency responsible for investigating suspected child abuse or neglect; authorizing circuit court commissioners to conduct permanency plan reviews and hearings; ~~permitting a juvenile to retroactively correct an order removing a child from the home, excluding certain periods when calculating how long a~~ *Specifying certain placements for purposes of* child has been placed outside the home for purposes of filing a termination of parental rights petition; and permitting disclosure of information to a relative of a child for purposes of facilitating placement of the child with the relative or to a public or private agency in this state or any other state for purposes of investigating a proposed foster or adoptive placement.

Analysis by the Legislative Reference Bureau***Introduction***

Under current federal law, to be eligible for foster care and adoption assistance under Title IV-E of the Social Security Act (Title IV-E), a state must have a state

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Specifics certain placements

plan that meets certain conditions specified in Title IV-E. Recently, Congress amended Title IV-E by enactment of the Safe and Timely Interstate Placement of Foster Children Act of 2006, the Child and Family Services Improvement Act of 2006, and the Fostering Connections to Success and Increasing Adoptions Act of 2008. This bill amends certain provisions of the Children's Code and the Juvenile Justice Code relating to permanency planning for children placed in out-of-home care to conform those provisions to the requirements of Title IV-E, as affected by those acts.

Also, under current federal law, to be eligible for a grant under the Child Abuse Prevention and Treatment Act (CAPTA) a state must have in effect a state plan that meets certain conditions specified in CAPTA, including a requirement that a health care provider report to the child protective services system infants who are affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure. This bill conforms current state law relating to the reporting of infants whose bodily fluids contain a controlled substance to that requirement of CAPTA.

Finally, the bill authorizes a circuit court commissioner assigned to assist in juvenile matters to review a child's permanency plan, which is a plan designed to ensure that the child is reunified with his or her family whenever appropriate or that the child quickly attains a placement or home providing long-term stability, ~~permits a court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) to retroactively correct an earlier order removing the child from his or her home, and excludes any period during which a child's care was not eligible for reimbursement under Title IV-E~~ for purposes of determining whether the child has been placed in an out-of-home placement for 15 of the most recent 22 months, which triggers a requirement that a termination of parental rights (TPR) petition be filed; and permits disclosure of information to a relative of a child for purposes of facilitating placement of the child with the relative or to a public or private agency in this state or any other state for purposes of investigating a proposed foster or adoptive placement.

Permanency planning for children in out-of-home care

Current law. Under current law, for each child living in an out-of-home placement, the county department of human services or social services (county department), the licensed child welfare agency, or, in Milwaukee County, the Department of Children and Families (DCF) that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child (collectively "agency") must prepare a permanency plan for the child. A permanency plan must describe, among other things, the goal or goals of the permanency plan, with those goals being either the safe return of the child to the home or placement of the child for adoption, with a guardian, in the home of a relative, or in some other alternative permanent placement.

Under current law, the ~~juvenile~~ court or a panel appointed by the juvenile court (permanency plan review panel) must review a child's permanency plan every six months to determine, among other things, the continuing necessity for and appropriateness of the placement, the progress being made toward eliminating the causes of the child's placement and returning the child to the home or obtaining a permanent placement for the child, and whether reasonable efforts are being made

assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court)

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to achieve the goal of the child's permanency plan (permanency plan review). In addition, the juvenile court must hold a hearing to review a child's permanency plan no later than 12 months after the child is removed from the home and every 12 months after that hearing, which hearing may be held instead of or in addition to the permanency plan review (permanency plan hearing).

Consultation with child. The Child and Family Services Improvement Act of 2006 requires a state's case review system to include procedural safeguards to assure that the court or administrative body conducting a permanency plan hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency plan for the child.

This bill requires a child's permanency plan to include a statement as to whether the child's age and developmental level are sufficient for the juvenile court to consult with the child at the permanency plan determination hearing or at the permanency plan hearing or for the juvenile court or permanency plan review panel to consult with the child at the permanency plan review. If the child's permanency plan ~~includes an independent living plan (which is a plan that is required for a child 15 years of age or over to assist the child in preparing for independent living) or~~ indicates that the child's age and developmental level are sufficient for the juvenile court or permanency plan review panel to consult with the child regarding the child's permanency plan or if the juvenile court or panel otherwise determines that consultation with the child would be in the best interests of the child, the juvenile court or panel must consult with the child, in an age-appropriate and developmentally appropriate manner, regarding the child's permanency plan and any other matters the court or panel finds appropriate ~~by permitting the child,~~ the child's caseworker, the child's counsel, or the child's guardian ad litem to make a written or oral statement during the hearing or review, or to submit a written statement prior to the hearing or review, expressing the child's wishes, goals, and concerns regarding the permanency plan and those matters.

Expediting out-of-state placements. The Safe and Timely Interstate Placement of Foster Children Act of 2006 requires reasonable efforts to be made to place a child in a timely manner in accordance with the child's permanency plan, including, if appropriate, through an interstate placement, requires a permanency plan hearing to consider out-of-state permanent placement options for a child, and requires concurrent reasonable efforts to include identifying appropriate out-of-state placements for adoption or with a legal guardian. That act also provides grants to the highest courts in states receiving assistance under Title IV-E to enable those courts to assess the effect of state laws requiring proceedings to expedite the interstate placement of children, including state laws requiring courts to cooperate in the sharing of information, authorizing courts to obtain information and testimony without requiring interstate travel by agencies and parties, and permitting parents, children, other necessary parties, and attorneys to participate in cases involving interstate placement without requiring their interstate travel.

This bill requires a permanency plan whose goal is to place a child for adoption, with a guardian, with a relative, or in some other alternative permanent placement ~~to include efforts to place the child in a safe and appropriate placement outside the~~

no 9 If the juvenile court permits such a written or oral statement to be made or submitted, the juvenile court may ~~nevertheless require~~ ^{physically present} ~~nevertheless require~~ the child to be physically present at the hearing or review.

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to include the efforts made to achieve that goal, including, if appropriate, through an out-of-state placement. The bill also requires a juvenile court order placing a child outside the home to include a finding as to whether reasonable efforts have been made to achieve the goal of the child's permanency plan, if the agency determines that such a placement would be in the best interests of the child and appropriate to achieving the goal of the child's permanency plan. For a child who is placed in a placement outside the state, the bill requires the permanency plan to include a statement as to whether that placement continues to be in the best interests of the child and appropriate to achieving the goal of the child's permanency plan. In addition, the bill requires an agency, in making concurrent reasonable efforts to place a child for adoption, with a guardian, with a relative, or in some other alternative permanent placement, to include efforts to place the child in a safe and appropriate placement outside the state if the agency determines that such a placement would be in the best interests of the child and appropriate to achieving the goals of the child's permanency plan.

The bill also requires a juvenile court, at the permanency plan determination hearing, to consider placing the child in a placement outside the state if the juvenile court determines that such a placement would be in the best interests of the child and appropriate to achieving the goal of the child's permanency plan. In addition, the bill requires a juvenile court or permanency plan review panel, in determining at the permanency plan hearing or the permanency plan review whether reasonable efforts were made to achieve the permanency planning goal of placing the child for adoption, with a guardian, with a relative, or in some other alternative permanent placement, to determine whether reasonable efforts were made by the agency to place the child in a safe and appropriate placement outside the state that is in the best interests of the child and appropriate to achieving the goal of the child's permanency plan or, if the child is placed in a placement outside the state, to determine whether that placement continues to be in the best interests of the child and appropriate to achieving the goal of the child's permanency plan.

Finally, with respect to expediting the out-of-state placement of children, the bill requires the juvenile courts of this state to cooperate with the courts of other states in the sharing of information; obtain, to the greatest extent possible, information and testimony from agencies and parties located in other states without requiring interstate travel by those agencies and parties; and permit parents, children, other necessary parties, attorneys, and guardians ad litem in proceedings involving the interstate placement of a child to participate in those proceedings without requiring interstate travel by those persons.

Right to be heard in proceedings involving children in out-of-home care

The Safe and Timely Interstate Placement of Foster Children Act of 2006 requires a state's case review system to include procedures for assuring that any foster parent or relative providing care for a child is provided a *right* to be heard in any proceeding held with respect to the child. Current state law, however, requires the juvenile court to give a foster parent, treatment foster parent, any relative with whom a child is living, and any other physical custodian of a child an *opportunity* to be heard at any hearing under the Children's Code or the Juvenile Justice Code, involving the child, other than a hearing for which notice need only be provided to the child and his or her counsel, by permitting that person to make a written or oral statement during the hearing or to submit a written statement prior to the hearing.

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This bill requires the juvenile court to give a foster parent, treatment foster parent, operator of a facility in which a child is living, relative with whom a child is living, or other physical custodian of a child *a right* to be heard at any hearing under the Children's Code or the Juvenile Justice Code, involving the child, other than a hearing for which notice need only be provided to the child and his or her counsel.

Notice to relatives when child removed from home

The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires that within 30 days after the removal of a child from the custody of the parent or parents of the child, a state must exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child, including any other adult relatives suggested by the parents, subject to exceptions due to family or domestic violence. The notice must do all of the following:

1. Specify that the child has been or is being removed from the custody of the parent or parents of the child.
2. Explain the options the relative has under federal, state, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice.
3. Describe the requirements to become a foster family home and the additional services and supports that are available for children placed in such a home.

This bill requires the juvenile court to request a child's parent to provide the names of three relatives of the child or other individuals 18 years of age or over whose homes the parent requests the juvenile court to consider as placements for the child. The juvenile court must request that information at the temporary physical custody hearing or, if that information has not been previously requested, at a dispositional hearing or change-in-placement hearing placing the child outside the parent's home. If the parent does not provide that information at the hearing, the agency must permit the parent to provide the information at a later date.

The juvenile court then must order the agency to conduct a diligent search in order to locate and provide notice of certain information specified in the bill to all of the relatives names by the parent and to all adult relatives of the child within 30 days after the hearing. The bill, for purposes of notification, defines "adult relative" as a grandparent, great-grandparent, aunt, uncle, brother, sister, half brother, or half sister of the child who has attained 18 years of age. The bill also permits the juvenile court to order the agency to notify any other individual whose home is recommended as a placement option by the parent. The agency may not provide notice to a person named by a parent or to an adult relative if the agency has reason to believe that it would be dangerous to the child or to the parent if the child were placed with that person or adult relative.

The bill requires the notice to include all of the following:

1. A statement that the child has been removed from the custody of the child's parent.
2. A statement that explains the options that the person notified has under state or federal law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice.

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3. A description of the requirements to obtain a foster home license or to receive kinship care payments and of the additional services and supports that are available for children placed in a foster home or in the home of a person receiving those payments.

4. A statement advising the person notified that he or she may incur additional expenses if the child is placed in his or her home and that reimbursement for some of those expenses may be available.

5. The name and contact information of the agency that removed the child from the custody of the child's parent.

Placement with siblings

The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires a state plan for foster care and adoption assistance to provide that reasonable efforts shall be made to do all of the following:

1. Place siblings removed from their home in the same foster care or adoptive placement, unless the state documents that such a joint placement would be contrary to the safety or well-being of any of the siblings.

2. In the case of siblings removed from the home who are not jointly placed, provide for frequent visitation or other ongoing interaction between the siblings, unless the state documents that frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.

This bill requires the permanency plan of a child who has been removed from the home and who has one or more siblings who have also been removed from the home to include a description of the efforts made to place the child in a placement that enables the sibling group to remain together and, if a decision is made not to place the child and his or her siblings in a joint placement, a statement as to why a joint placement would be contrary to the safety or well-being of the child or any of those siblings and a description of the efforts made to provide for frequent visitation or other ongoing interaction between the child and those siblings. If a decision is made not to provide for that visitation or interaction, the permanency plan must include a statement as to why that visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

The bill also requires an agency, before placing for adoption a child who has one or more siblings who have been adopted or who have been placed for adoption, to make reasonable efforts to place the child for adoption with an adoptive parent or proposed adoptive parent of such a sibling, unless the agency determines that a joint placement would be contrary to the safety or well-being of the child or any of those siblings, in which case the agency must make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the agency determines that such visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

In addition, the bill requires the juvenile court, when ordering into temporary physical custody a child who has one or more siblings who have been removed from the home or when ordering such a child to be placed outside the home under a dispositional order or a change-in-placement order, to include in the order a finding that reasonable efforts have been made to place the child in a placement that enables

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the sibling group to remain together, unless the juvenile court determines that a joint placement would be contrary to the safety or well-being of the child or any of those siblings, in which case the juvenile court must order the agency to make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings, unless the juvenile court determines that such visitation or interaction would be contrary to the safety or well-being of the child or any of those siblings.

Plan for transition to independent living

Under current law, a permanency plan for a child 15 years of age or over must include a description of the programs and services that are or will be provided to assist the child in preparing for the transition from out-of-home care to independent living.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires a state's case review system to include procedures to assure that during the 90-day period immediately prior to the date on which a child will attain 18 years of age the child is provided with assistance and support in developing a transition plan that is personalized at the direction of the child, includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services, and is as detailed as the child may elect.

This bill requires the agency primarily responsible for providing services to a child who is placed in a foster home, group home, subsidized guardianship home, or residential care center for children and youth, or in the home of a relative other than a parent to provide the child with assistance and support in developing a plan for making the transition to independent living by no later than 90 days before the child attains 18 years of age or, if the child is under a juvenile court order that terminates after the child attains 18 years of age, by no later than 90 days before the order terminates. The plan must be personalized at the direction of the child, must be as detailed as the child directs, and must include specific options for obtaining housing, health care, education, mentoring and continuing support services, and workforce support and employment services.

Reporting of infants affected by controlled substances

CAPTA requires a state's state plan to include a requirement that a health care provider involved in the delivery or care of an infant identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure to notify the child protective services system of the occurrence of that condition in the infant. Current state law requires a physician who determines that there is a serious risk that an infant's bodily fluids contain a controlled substance to report that information to a county department of human services or social services or, in Milwaukee County, to the county department of community programs or developmental disabilities services. The county department then must offer or make arrangements for the provision of appropriate services and treatment for the infant and the infant's mother.

This bill requires a physician who determines that there is a serious risk that an infant's bodily fluids contain a controlled substance to report that information to

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the agency that is responsible for investigating reports of suspected child abuse or neglect, which is the county department, ~~DEHS~~ in Milwaukee County, or a child welfare agency under contract with a county department or ~~DEHS~~ to conduct those investigations. Under the bill, if a county department or a child welfare agency under contract with a county department receives such a report, the county department or child welfare agency must offer or make arrangements for the provision of appropriate services and treatment for the infant and the infant's mother and, if ~~DEHS~~ or a child welfare agency under contract with ~~DEHS~~ receives such a report, ~~DEHS~~ or the child welfare agency must refer the report to the county department of community programs or developmental disabilities services and that county department must offer or make arrangements for the provision of those services and that treatment.

Circuit court commissioner review of permanency plans

Under current law, a circuit court commissioner assigned to assist in juvenile matters may conduct certain proceedings under the Children's Code and the Juvenile Justice Code, including temporary physical custody hearings, plea hearings, and uncontested fact-finding and dispositional hearings. This bill permits a circuit court commissioner to conduct permanency plan reviews and hearings.

Termination of parental rights filing requirements

Under current law, if a child has been placed in an out-of-home placement for 15 of the most recent 22 months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, an agency or the district attorney, corporation counsel, or other appropriate official designated by the county board to prosecute TPR proceedings must file a TPR petition with respect to the child or, if a TPR petition with respect to the child has already been filed, must join in the petition.

This bill, for purposes of determining whether a child has been placed outside the home for 15 of the most recent 22 months, excludes any period during which the child's care was not eligible for reimbursement under Title IV-E of the federal Social Security Act.

Retroactive correction of order removing child from home

Under current law, an order removing a child from his or her home, whether that order is a temporary physical custody order, consent decree, dispositional order, change-in-placement order, extension of a dispositional order, sanction order, TPR order, guardianship order, or an order in an action affecting the family, for example, a divorce proceeding, must include a finding that continued placement of the child in his or her home would be contrary to the welfare of the child and a finding as to whether reasonable efforts have been made to prevent the removal of the child from the home and to make it possible for the child to return safely home. Those findings must be made on a case-by-case basis based on circumstances specific to the child, and the specific information on which those findings are based must be documented or referenced in the order. An amended order that retroactively corrects an earlier order that does not comply with those requirements is not sufficient to comply with those requirements.

only includes ~~that~~ periods during which the child was placed in a foster home, treatment foster home, group home, nonsecured residential care center for children and youth, or shelter care facility.

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~~This bill deletes the provision stating that an amended order that retroactively corrects an earlier order is not sufficient to comply with those requirements. Accordingly, the bill permits an amended order to retroactively correct an earlier order.~~

Reasonable efforts to achieve goals of permanency plan

Under current law, a juvenile court order placing a child outside the home must include a finding that reasonable efforts have been made to achieve the goals of the child's permanency plan. This bill requires that finding only if a permanency plan has previously been prepared for the child.

Informal disposition

Under current law, when information is referred to the juvenile court intake worker indicating that a child should be referred to the juvenile court as in need of protection or services, the intake worker may enter into an informal disposition with the child's parent, guardian, and legal custodian and, if the child is 12 years of age or over, the child. An informal disposition may provide that the child attend counseling and abide by certain obligations, but an informal disposition may not include any form of residential placement. This bill provides that an informal disposition may not include any form of out-of-home placement.

Confidentiality of records

Finally, the bill creates an exception to the confidentiality of agency and child abuse and neglect records so that the agency may disclose information to all of the following:

1. A relative of a child who is placed outside his or her home only to the extent necessary to facilitate the establishment of a relationship between the child and the relative or a placement of the child with the relative.
2. A public or private agency in this state or any other state that is investigating a person for purposes of licensing the person to operate a foster home or placing a child for adoption in the home of the person.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 46.238 of the statutes is amended to read:
- 2 **46.238 Infants and unborn children whose mothers abuse controlled**
- 3 **substances or controlled substance analogs.** If a county department under s.
- 4 ~~46.22 or 46.23 or, in a county having a population of 500,000 or more, a county~~
- 5 ~~department under s. 51.42 or 51.437~~ an agency, as defined in s. 48.981 (1) (ag),

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1 receives a report under s. 146.0255 (2) and that agency is a county department under
2 s. 46.22 or 46.23 or a licensed child welfare agency under contract with that county
3 department, the county department agency shall offer to provide appropriate
4 services and treatment to the child and the child's mother or to the unborn child, as
5 defined in s. 48.02 (19), and the expectant mother of the unborn child or the county
6 department agency shall make arrangements for the provision of appropriate
7 services or and treatment. If an agency receives a report under s. 146.0255 (2) and
8 that agency is the department or a licensed child welfare agency under contract with
9 the department, the agency shall refer the report to the county department under s.
10 51.42 or 51.437 and that county department shall offer to provide, or make
11 arrangements for the provision of, those services and that treatment.

12 **SECTION 2.** 48.21 (3) (f) of the statutes is created to read:

13 48.21 (3) (f) If present at the hearing, the parent shall be requested to provide
14 the names and other identifying information of 3 relatives of the child or other
15 individuals 18 years of age or over whose homes the parent requests the court to
16 consider as placements for the child. If the parent does not provide that information
17 at the hearing, the county department, the department in a county having a
18 population of 500,000 or more, or the agency primarily responsible for providing
19 services to the child under the custody order shall permit the parent to provide the
20 information at a later date.

21 **SECTION 3.** 48.21 (5) (b) 2m. of the statutes is created to read:

22 48.21 (5) (b) 2m. If the child has one or more siblings, as defined in s. 48.38 (4)
23 (br) 1., who have also been removed from the home, a finding as to whether the intake
24 worker has made reasonable efforts to place the child in a placement that enables the
25 sibling group to remain together, unless the judge or circuit court commissioner

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1 determines that a joint placement would be contrary to the safety or well-being of
2 the child or any of those siblings, in which case the judge or circuit court
3 commissioner shall order the county department, department in a county having a
4 population of 500,000 or more, or agency primarily responsible for providing services
5 to the child under the custody order to make reasonable efforts to provide for frequent
6 visitation or other ongoing interaction between the child and the siblings, unless the
7 judge or circuit court commissioner determines that such visitation or interaction
8 would be contrary to the safety or well-being of the child or any of those siblings.

9 **SECTION 4.** 48.21 (5) (c) of the statutes is amended to read:

10 48.21 (5) (c) The judge or circuit court commissioner shall make the findings
11 specified in par. (b) 1., 1m., and 3. on a case-by-case basis based on circumstances
12 specific to the child and shall document or reference the specific information on
13 which those findings are based in the custody order. A custody order that merely
14 references par. (b) 1., 1m., or 3. without documenting or referencing that specific
15 information in the custody order or an amended custody order that retroactively
16 corrects an earlier custody order that does not comply with this paragraph is not
17 sufficient to comply with this paragraph.

18 **SECTION 5.** 48.21 (5) (d) 1. of the statutes is renumbered 48.21 (5) (d) and
19 amended to read:

20 48.21 (5) (d) If the judge or circuit court commissioner finds that any of the
21 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
22 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)
23 within 30 days after the date of that finding to determine the permanency plan for
24 the child. ~~If a hearing is held under this subdivision, the agency responsible for~~

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1 ~~preparing the permanency plan shall file the permanency plan with the court not less~~
2 ~~than 5 days before the date of the hearing.~~

3 **SECTION 6.** 48.21 (5) (d) 2. of the statutes, as affected by 2009 Wisconsin Act 28,
4 is repealed.

5 **SECTION 7.** 48.21 (5) (d) 3. of the statutes, as affected by 2009 Wisconsin Act 28,
6 is repealed.

7 **SECTION 8.** 48.21 (5) (e) of the statutes is created to read:

8 48.21 (5) (e) 1. In this paragraph, "adult relative" means a grandparent,
9 great-grandparent, aunt, uncle, brother, sister, half brother, or half sister of a child,
10 whether by blood, marriage, or legal adoption, who has attained 18 years of age.

11 2. The court shall order the county department, the department in a county
12 having a population of 500,000 or more, or the agency primarily responsible for
13 providing services to the child under the custody order to conduct a diligent search
14 in order to locate and provide notice of the information specified in this subdivision
15 to all relatives of the child named under sub. (3) (f) and to all adult relatives of the
16 child within 30 days after the child is removed from the custody of the child's parent
17 unless the child is returned to his or her home within that period. The court may also
18 order the county department, department, or agency to conduct a diligent search in
19 order to locate and provide notice of the information specified in this subdivision to
20 all other adult individuals named under sub. (3) (f) within 30 days after the child is
21 removed from the custody of the child's parent unless the child is returned to his or
22 her home within that period. The county department, department, or agency may
23 not provide that notice to a person named under sub. (3) (f) or to an adult relative if
24 the county department, department, or agency has reason to believe that it would be

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1 dangerous to the child or to the parent if the child were placed with that person or
2 adult relative. The notice shall include all of the following:

3 a. A statement that the child has been removed from the custody of the child's
4 parent.

5 b. A statement that explains the options that the person provided with the
6 notice has under state or federal law to participate in the care and placement of the
7 child, including any options that may be lost by failing to respond to the notice.

8 c. A description of the requirements to obtain a foster home license under s.
9 48.62 or to receive kinship care or long-term kinship care payments under s. 48.57
10 (3m) or (3n) and of the additional services and supports that are available for
11 children placed in a foster home or in the home of a person receiving those payments.

12 d. A statement advising the person provided with the notice that he or she may
13 incur additional expenses if the child is placed in his or her home and that
14 reimbursement for some of those expenses may be available.

15 e. The name and contact information of the agency that removed the child from
16 the custody of the child's parent.

17 **SECTION 9.** 48.245 (2) (b) of the statutes is amended to read:

18 48.245 (2) (b) Informal disposition may not include any form of ~~residential~~
19 out-of-home placement and may not exceed 6 months, except as provided under sub.
20 (2r).

21 **SECTION 10.** 48.27 (3) (a) 1m. of the statutes is amended to read:

22 48.27 (3) (a) 1m. The court shall give a foster parent, treatment foster parent,
23 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
24 subd. 1. ~~an opportunity~~ a right to be heard at the hearing by permitting the foster
25 parent, treatment foster parent, or other physical custodian to make a written or oral

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1 statement during the hearing, or to submit a written statement prior to the hearing,
2 relevant to the issues to be determined at the hearing. A foster parent, treatment
3 foster parent, or other physical custodian described in s. 48.62 (2) who receives a
4 notice of a hearing under subd. 1. and ~~an opportunity~~ a right to be heard under this
5 subdivision does not become a party to the proceeding on which the hearing is held
6 solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

7 **SECTION 11.** 48.27 (3) (a) 1m. of the statutes, as affected by 2009 Wisconsin Acts
8 28 and (this act), is repealed and recreated to read:

9 48.27 (3) (a) 1m. The court shall give a foster parent or other physical custodian
10 described in s. 48.62 (2) who is notified of a hearing under subd. 1. a right to be heard
11 at the hearing by permitting the foster parent or other physical custodian to make
12 a written or oral statement during the hearing, or to submit a written statement
13 prior to the hearing, relevant to the issues to be determined at the hearing. A foster
14 parent or other physical custodian described in s. 48.62 (2) who receives a notice of
15 a hearing under subd. 1. and a right to be heard under this subdivision does not
16 become a party to the proceeding on which the hearing is held solely on the basis of
17 receiving that notice and right to be heard.

18 **SECTION 12.** 48.27 (6) of the statutes is amended to read:

19 48.27 (6) When a proceeding is initiated under s. 48.14, all interested parties
20 shall receive notice and appropriate summons shall be issued in a manner specified
21 by the court, ~~consistent with applicable governing statutes. In addition, if.~~ If the
22 child who is the subject of the proceeding is in the care of a foster parent, treatment
23 foster parent, or other physical custodian described in s. 48.62 (2), the court shall give
24 the foster parent, treatment foster parent, or other physical custodian notice and ~~an~~
25 ~~opportunity~~ a right to be heard as provided in sub. (3) (a).

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1 **SECTION 13.** 48.27 (6) of the statutes, as affected by 2009 Wisconsin Acts 28 and
2 (this act), is repealed and recreated to read:

3 48.27 (6) When a proceeding is initiated under s. 48.14, all interested parties
4 shall receive notice and appropriate summons shall be issued in a manner specified
5 by the court. If the child who is the subject of the proceeding is in the care of a foster
6 parent or other physical custodian described in s. 48.62 (2), the court shall give the
7 foster parent or other physical custodian notice and a right to be heard as provided ✓
8 in sub. (3) (a). including, if appropriate, through an out-of-state placement,

9 **SECTION 14.** 48.32 (1) (b) 1. c. of the statutes is amended to read:

10 48.32 (1) (b) 1. c. ~~A~~ If a permanency plan has previously been prepared for the
11 child, a finding as to whether the county department, department, or agency has
12 made reasonable efforts to achieve the goal of the child's permanency plan, unless
13 return of the child to the home is the goal of the permanency plan and the judge or
14 circuit court commissioner finds that any of the circumstances specified in s. 48.355
15 (2d) (b) 1. to 5. applies.

16 **SECTION 15.** 48.32 (1) (b) 1m. of the statutes is created to read:

17 48.32 (1) (b) 1m. If the child has one or more siblings, as defined in s. 48.38 (4)
18 (br) 1., who have also been removed from the home, the consent decree shall include
19 a finding as to whether the county department, department in a county having a
20 population of 500,000 or more, or agency primarily responsible for providing services
21 to the child has made reasonable efforts to place the child in a placement that enables
22 the sibling group to remain together, unless the judge or circuit court commissioner
23 determines that a joint placement would be contrary to the safety or well-being of
24 the child or any of those siblings, in which case the judge or circuit court
25 commissioner shall order the county department, department, or agency to make

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1 reasonable efforts to provide for frequent visitation or other ongoing interaction
2 between the child and the siblings, unless the judge or circuit court commissioner
3 determines that such visitation or interaction would be contrary to the safety or
4 well-being of the child or any of those siblings.

5 ~~SECTION 16. 48.32 (1) (b) 3. of the statutes is amended to read:~~

6 48.32 (1) (b) 3. The judge or circuit court commissioner shall make the findings
7 specified in subds. 1. and 2. on a case-by-case basis based on circumstances specific
8 to the child and shall document or reference the specific information on which those
9 findings are based in the consent decree. A consent decree that merely references
10 subd. 1. or 2. without documenting or referencing that specific information in the
11 consent decree or an amended consent decree that retroactively corrects an earlier
12 consent decree that does not comply with this subdivision is not sufficient to comply
13 with this subdivision.

14 **SECTION 17. 48.33 (4) (c) of the statutes is amended to read:**

15 48.33 (4) (c) Specific information showing that continued placement of the child
16 in his or her home would be contrary to the welfare of the child, specific information
17 showing that the county department, the department, in a county having a
18 population of 500,000 or more, or the agency primarily responsible for providing
19 services to the child has made reasonable efforts to prevent the removal of the child
20 from the home, while assuring that the child's health and safety are the paramount
21 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
22 applies, and, if a permanency plan has previously been prepared for the child,
23 specific information showing that the county department, department, or agency has
24 made reasonable efforts to achieve the goal of the child's permanency plan, unless

including, if appropriate, through an out-of-state placement,

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1 return of the child to the home is the goal of the permanency plan and any of the
2 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

3 **SECTION 18.** 48.33 (4) (d) of the statutes is created to read:

4 48.33 (4) (d) 1. If the child has one or more siblings, as defined in s. 48.38 (4)
5 (br) 1., who have been removed from the home or for whom an out-of-home
6 placement is recommended, specific information showing that the county
7 department, department in a county having a population of 500,000 or more, or
8 agency primarily responsible for providing services to the child has made reasonable
9 efforts to place the child in a placement that enables the sibling group to remain
10 together, unless the county department, department, or agency recommends that the
11 child and his or her siblings not be placed in a joint placement, in which case the
12 report shall include specific information showing that a joint placement would be
13 contrary to the safety or well-being of the child or any of those siblings and the
14 specific information required under subd. 2.

15 2. If a recommendation is made that the child and his or her siblings not be
16 placed in a joint placement, specific information showing that the county
17 department, department, or agency has made reasonable efforts to provide for
18 frequent visitation or other ongoing interaction between the child and the siblings,
19 unless the county department, department, or agency recommends that such
20 visitation or interaction not be provided, in which case the report shall include
21 specific information showing that such visitation or interaction would be contrary to
22 the safety or well-being of the child or any of those siblings.

23 **SECTION 19.** 48.335 (3g) (c) of the statutes is amended to read:

24 48.335 (3g) (c) That, if a permanency plan has previously been prepared for the
25 child, the county department, department, or agency has made reasonable efforts to

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including, if appropriate, through an
out-of-state placement,

✓

1 achieve the goal of the child's permanency plan, unless return of the child to the home
2 is the goal of the permanency plan and any of the circumstances specified in s. 48.355
3 (2d) (b) 1. to 5. applies.

4 **SECTION 20.** 48.335 (3g) (d) of the statutes is created to read:

5 48.335 (3g) (d) 1. If the child has one or more siblings, as defined in s. 48.38 (4)
6 (br) 1., who have been removed from the home or for whom an out-of-home
7 placement is recommended, that the county department, department, or agency has
8 made reasonable efforts to place the child in a placement that enables the sibling
9 group to remain together, unless the county department, department, or agency
10 recommends that the child and his or her siblings not be placed in a joint placement,
11 in which case the county department, department, or agency shall present as
12 evidence specific information showing that a joint placement would be contrary to
13 the safety or well-being of the child or any of those siblings and the specific
14 information required under subd. 2.

15 2. If a recommendation is made that the child and his or her siblings not be
16 placed in a joint placement, that the county department, department, or agency has
17 made reasonable efforts to provide for frequent visitation or other ongoing
18 interaction between the child and the siblings, unless the county department,
19 department, or agency recommends that such visitation or interaction not be
20 provided, in which case the county department, department, or agency shall present
21 as evidence specific information showing that such visitation or interaction would be
22 contrary to the safety or well-being of the child or any of those siblings.

23 **SECTION 21.** 48.335 (6) of the statutes is created to read:

24 48.335 (6) If the dispositional order places the child outside the home, the
25 parent, if present at the hearing, shall be requested to provide the names and other

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including, if appropriate, through an ✓
out-of-state placement,

1 identifying information of 3 relatives of the child or other individuals 18 years of age
2 or over whose homes the parent requests the court to consider as placements for the
3 child, unless that information has previously been provided under s. 48.21 (3) (f). If
4 the parent does not provide that information at the hearing, the county department,
5 the department in a county having a population of 500,000 or more, or the agency
6 primarily responsible for providing services to the child under the dispositional order
7 shall permit the parent to provide the information at a later date.

8 **SECTION 22.** 48.355 (2) (b) 6. of the statutes is amended to read:

9 48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued
10 placement of the child in his or her home would be contrary to the welfare of the child,
11 a finding as to whether the county department, the department, in a county having
12 a population of 500,000 or more, or the agency primarily responsible for providing
13 services under a court order has made reasonable efforts to prevent the removal of
14 the child from the home, while assuring that the child's health and safety are the
15 paramount concerns, unless the court finds that any of the circumstances specified
16 in sub. (2d) (b) 1. to 5. applies, and, if a permanency plan has previously been
17 prepared for the child, a finding as to whether the county department, department,
18 or agency has made reasonable efforts to achieve the goal of the child's permanency
19 plan, unless return of the child to the home is the goal of the permanency plan and
20 the court finds that any of the circumstances specified in sub. (2d) (b) 1. to 5. applies.
21 The court shall make the findings specified in this subdivision on a case-by-case
22 basis based on circumstances specific to the child and shall document or reference
23 the specific information on which those findings are based in the court order. A court
24 order that merely references this subdivision without documenting or referencing
25 that specific information in the court order ~~or an amended court order that~~

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SECTION 22

1 ~~retroactively corrects an earlier court order that does not comply with this~~
2 ~~subdivision~~ is not sufficient to comply with this subdivision.

3 **SECTION 23.** 48.355 (2) (b) 6p. of the statutes is created to read:

4 48.355 (2) (b) 6p. If the child is placed outside the home and if the child has one
5 or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside
6 the home, a finding as to whether the county department, the department in a county
7 having a population of 500,000 or more, or the agency primarily responsible for
8 providing services under a court order has made reasonable efforts to place the child
9 in a placement that enables the sibling group to remain together, unless the court
10 determines that a joint placement would be contrary to the safety or well-being of
11 the child or any of those siblings, in which case the court shall order the county
12 department, department, or agency to make reasonable efforts to provide for
13 frequent visitation or other ongoing interaction between the child and the siblings,
14 unless the court determines that such visitation or interaction would be contrary to
15 the safety or well-being of the child or any of those siblings.

16 **SECTION 24.** 48.355 (2) (cm) of the statutes is created to read:

17 48.355 (2) (cm) 1. Subject to subd. 2., the court shall order the county
18 department, the department in a county having a population of 500,000 or more, or
19 the agency primarily responsible for providing services to the child under the
20 dispositional order to conduct a diligent search in order to locate and provide notice
21 of the information specified in s. 48.21 (5) (e) 2. a. to e. to all relatives of the child
22 named under s. 48.335 (6) and to all adult relatives, as defined in s. 48.21 (5) (e) 1.,
23 of the child within 30 days after the child is removed from the custody of the child's
24 parent unless the child is returned to his or her home within that period. The court
25 may also order the county department, department, or agency to conduct a diligent

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1 search in order to locate and provide notice of that information to all other adult
2 individuals named under s. 48.335 (6) within 30 days after the child is removed from
3 the custody of the child's parent unless the child is returned to his or her home within
4 that period. The county department, department, or agency may not provide that
5 notice to a person named under s. 48.335 (6) or to an adult relative if the county
6 department, department, or agency has reason to believe that it would be dangerous
7 to the child or to the parent if the child were placed with that person or adult relative.

8 2. Subdivision 1. does not apply if the search required under subd. 1. was
9 previously conducted and the notice required under subd. 1. was previously provided
10 under s. 48.21 (5) (e) 2. , including reasonable efforts to identify an
appropriate out-of-state placement

11 **SECTION 25.** 48.355 (2b) of the statutes is amended to read:

12 48.355 (2b) CONCURRENT REASONABLE EFFORTS PERMITTED. A county
13 department, the department, in a county having a population of 500,000 or more, or
14 the agency primarily responsible for providing services to a child under a court order
15 may, at the same time as the county department, department, or agency is making
16 the reasonable efforts required under sub. (2) (b) 6. to prevent the removal of the child
17 from the home or to make it possible for the child to return safely to his or her home,
18 work with the department, a county department under s. 48.57 (1) (e) or (hm), or a
19 child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place
20 the child for adoption, with a guardian, with a fit and willing relative, or in some
21 other alternative permanent placement. These efforts to place the child for adoption,
22 with a guardian, with a fit and willing relative, or in some other alternative
23 permanent placement shall include efforts to place the child in a safe and
24 appropriate placement outside this state if the county department, department, or

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SECTION 25

agency determines that such a placement would be in the best interests of the child and appropriate to achieving the goals of the child's permanency plan.

SECTION 26. 48.355 (2d) (bm) of the statutes is amended to read:

~~48.355 (2d) (bm) The court shall make a finding specified in par. (b) 1. to 5. on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which that finding is based in the dispositional order. A dispositional order that merely references par. (b) 1. to 5. without documenting or referencing that specific information in the dispositional order or an amended dispositional order that retroactively corrects an earlier dispositional order that does not comply with this paragraph is not sufficient to comply with this paragraph.~~

SECTION 27. 48.355 (2d) (c) 1. of the statutes is renumbered 48.355 (2d) (c) and amended to read:

48.355 (2d) (c) If the court finds that any of the circumstances specified in par. (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to determine the permanency plan for the child. ~~If a hearing is held under this subdivision, the agency responsible for preparing the permanency plan shall file the permanency plan with the court not less than 5 days before the date of the hearing.~~

SECTION 28. 48.355 (2d) (c) 2. of the statutes, as affected by 2009 Wisconsin Act 28, is repealed.

SECTION 29. 48.355 (2d) (c) 3. of the statutes, as affected by 2009 Wisconsin Act 28, is repealed.

SECTION 30. 48.357 (1) (c) 2m. of the statutes is created to read:

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1 48.357 (1) (c) 2m. If the court changes the child's placement from a placement
2 in the child's home to a placement outside the child's home, the parent, if present at
3 the hearing, shall be requested to provide the names and other identifying
4 information of 3 relatives of the child or other individuals 18 years of age or over
5 whose homes the parent requests the court to consider as placements for the child,
6 unless that information has previously been provided under this subdivision, sub.
7 (2m) (bm), or s. 48.21 (3) (f) or 48.335 (6). If the parent does not provide that
8 information at the hearing, the county department, the department in a county
9 having a population of 500,000 or more, or the agency primarily responsible for
10 implementing the dispositional order shall permit the parent to provide the
11 information at a later date.

12 **SECTION 31.** 48.357 (2m) (b) of the statutes is amended to read:

13 48.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering
14 any change in placement requested or proposed under par. (a) if the request states
15 that new information is available that affects the advisability of the current
16 placement, ~~unless. A hearing is not required if the requested or proposed change in~~
17 placement ~~involves any~~ does not involve a change in placement other than a change
18 in placement of a child placed in the home to a placement outside the home and,
19 written waivers of objection to the proposed change in placement are signed by all
20 persons entitled to receive notice under sub. (1) (am) 1., other than a court-appointed
21 special advocate, and the court approves. If a hearing is scheduled, the court shall
22 notify the child, the parent, guardian, and legal custodian of the child, any foster
23 parent, treatment foster parent, or other physical custodian described in s. 48.62 (2)
24 of the child, the child's court-appointed special advocate, all parties who are bound
25 by the dispositional order, and, if the child is the expectant mother of an unborn child

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1 under s. 48.133, the unborn child by the unborn child's guardian ad litem, or shall
2 notify the adult expectant mother, the unborn child by the unborn child's guardian
3 ad litem, and all parties who are bound by the dispositional order, at least 3 days prior
4 to the hearing. A copy of the request or proposal for the change in placement shall
5 be attached to the notice. If all of the parties consent, the court may proceed
6 immediately with the hearing.

7 **SECTION 32.** 48.357 (2m) (b) of the statutes, as affected by 2009 Wisconsin Acts
8 28 and (this act), is repealed and recreated to read:

9 48.357 (2m) (b) The court shall hold a hearing on the matter prior to ordering
10 any change in placement requested or proposed under par. (a) if the request states
11 that new information is available that affects the advisability of the current
12 placement. A hearing is not required if the requested or proposed change in
13 placement does not involve a change in placement of a child placed in the home to
14 a placement outside the home, written waivers of objection to the proposed change
15 in placement are signed by all persons entitled to receive notice under sub. (1) (am)
16 1., other than a court-appointed special advocate, and the court approves. If a
17 hearing is scheduled, the court shall notify the child, the parent, guardian, and legal
18 custodian of the child, any foster parent or other physical custodian described in s.
19 48.62 (2) of the child, the child's court-appointed special advocate, all parties who are
20 bound by the dispositional order, and, if the child is the expectant mother of an
21 unborn child under s. 48.133, the unborn child by the unborn child's guardian ad
22 litem, or shall notify the adult expectant mother, the unborn child by the unborn
23 child's guardian ad litem, and all parties who are bound by the dispositional order,
24 at least 3 days prior to the hearing. A copy of the request or proposal for the change

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1 in placement shall be attached to the notice. If all of the parties consent, the court
2 may proceed immediately with the hearing.

3 **SECTION 33.** 48.357 (2m) (bm) of the statutes is created to read:

4 48.357 (2m) (bm) If the court changes the child's placement from a placement
5 in the child's home to a placement outside the child's home, the parent, if present at
6 the hearing, shall be requested to provide the names and other identifying
7 information of 3 relatives of the child or other individuals 18 years of age or over
8 whose homes the parent requests the court to consider as placements for the child,
9 unless that information has previously been provided under this paragraph, sub. (1)
10 (c) 2m., or s. 48.21 (3) (f) or 48.335 (6). If the parent does not provide that information
11 at the hearing, the county department, the department in a county having a
12 population of 500,000 or more, or the agency primarily responsible for implementing
13 the dispositional order shall permit the parent to provide the information at a later
14 date.

15 **SECTION 34.** 48.357 (2r) of the statutes is amended to read:

16 48.357 (2r) If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change
17 in placement would remove a child from a foster home, treatment foster home, or
18 other placement with a physical custodian described in s. 48.62 (2), the court shall
19 give the foster parent, treatment foster parent, or other physical custodian described
20 in s. 48.62 (2) ~~an opportunity~~ a right to be heard at the hearing by permitting the
21 foster parent, treatment foster parent, or other physical custodian to make a written
22 or oral statement during the hearing or to submit a written statement prior to the
23 hearing relating to the child and the requested change in placement. A foster parent,
24 treatment foster parent, or other physical custodian described in s. 48.62 (2) who
25 receives notice of a hearing under sub. (1) (am) 1. or (2m) (b) and ~~an opportunity~~ a

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1 right to be heard under this subsection does not become a party to the proceeding on
2 which the hearing is held solely on the basis of receiving that notice and ~~opportunity~~
3 right to be heard.

4 **SECTION 35.** 48.357 (2r) of the statutes, as affected by 2009 Wisconsin Acts 28
5 and (this act), is repealed and recreated to read:

6 48.357 (2r) If a hearing is held under sub. (1) (am) 2. or (2m) (b) and the change
7 in placement would remove a child from a foster home or other placement with a
8 physical custodian described in s. 48.62 (2), the court shall give the foster parent or
9 other physical custodian a right to be heard at the hearing by permitting the foster
10 parent or other physical custodian to make a written or oral statement during the
11 hearing or to submit a written statement prior to the hearing relating to the child and
12 the requested change in placement. A foster parent or other physical custodian
13 described in s. 48.62 (2) who receives notice of a hearing under sub. (1) (am) 1. or (2m)
14 (b) and a right to be heard under this subsection does not become a party to the
15 proceeding on which the hearing is held solely on the basis of receiving that notice
16 and right to be heard.

17 **SECTION 36.** 48.357 (2v) (a) 2m. of the statutes is created to read:

18 48.357 (2v) (a) 2m. If the child has one or more siblings, as defined in s. 48.38
19 (4) (br) 1., who have been placed outside the home or for whom a change in placement
20 to a placement outside the home is requested, a finding as to whether the county
21 department, the department in a county having a population of 500,000 or more, or
22 the agency primarily responsible for implementing the dispositional order has made
23 reasonable efforts to place the child in a placement that enables the sibling group to
24 remain together, unless the court determines that a joint placement would be
25 contrary to the safety or well-being of the child or any of those siblings, in which case

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1 the court shall order the county department, department, or agency to make
2 reasonable efforts to provide for frequent visitation or other ongoing interaction
3 between the child and the siblings, unless the court determines that such visitation
4 or interaction would be contrary to the safety or well-being of the child or any of those
5 siblings.

6 ~~SECTION 37. 48.357 (2v) (b) of the statutes is amended to read:~~

7 48.357 (2v) (b) The court shall make the findings specified in par. (a) 1. and 3.
8 on a case-by-case basis based on circumstances specific to the child and shall
9 document or reference the specific information on which those findings are based in
10 the change in placement order. ~~A change in placement order that merely references~~
11 ~~par. (a) 1. or 3. without documenting or referencing that specific information in the~~
12 ~~change in placement order or an amended change in placement order that~~
13 ~~retroactively corrects an earlier change in placement order that does not comply with~~
14 ~~this paragraph is not sufficient to comply with this paragraph.~~

15 **SECTION 38.** 48.357 (2v) (c) 1. of the statutes is renumbered 48.357 (2v) (c) and
16 amended to read:

17 48.357 (2v) (c) If the court finds under par. (a) 3. that any of the circumstances
18 specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the court shall
19 hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to
20 determine the permanency plan for the child. ~~If a hearing is held under this~~
21 ~~subdivision, the agency responsible for preparing the permanency plan shall file the~~
22 ~~permanency plan with the court not less than 5 days before the date of the hearing.~~

23 **SECTION 39.** 48.357 (2v) (c) 2. of the statutes, as affected by 2009 Wisconsin Act
24 28, is repealed.

BILL**SECTION 40**

1 **SECTION 40.** 48.357 (2v) (c) 3. of the statutes, as affected by 2009 Wisconsin Act
2 28, is repealed.

3 **SECTION 41.** 48.357 (2v) (d) of the statutes is created to read:

4 48.357 (2v) (d) 1. Subject to subd. 2., the court shall order the county
5 department, the department in a county having a population of 500,000 or more, or
6 the agency primarily responsible for implementing the dispositional order to conduct
7 a diligent search in order to locate and provide notice of the information specified in
8 s. 48.21 (5) (e) 2. a. to e. to all relatives of the child named under sub. (1) (c) 2m. or
9 (2m) (bm) and to all adult relatives, as defined in s. 48.21 (5) (e) 1., of the child within
10 30 days after the child is removed from the custody of the child's parent unless the
11 child is returned to his or her home within that period. The court may also order the
12 county department, department, or agency to conduct a diligent search in order to
13 locate and provide notice of that information to all other adult individuals named
14 under sub. (1) (c) 2m. or (2m) (bm) within 30 days after the child is removed from the
15 custody of the child's parent unless the child is returned to his or her home within
16 that period. The county department, department, or agency may not provide that
17 notice to a person named under sub. (1) (c) 2m. or (2m) (bm) or to an adult relative
18 if the county department, department, or agency has reason to believe that it would
19 be dangerous to the child or to the parent if the child were placed with that person
20 or adult relative.

21 2. Subdivision 1. does not apply if the search required under subd. 1. was
22 previously conducted and the notice required under subd. 1. was previously provided
23 under s. 48.21 (5) (e) 2. or 48.355 (2) (cm) 1.

24 **SECTION 42.** 48.363 (1) (b) of the statutes is amended to read:

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1 48.363 (1) (b) If a hearing is held, at least 3 days prior to the the hearing the
2 court shall notify the child, the child's parent, guardian and legal custodian, all
3 parties bound by the dispositional order, the child's foster parent, treatment foster
4 parent, or other physical custodian described in s. 48.62 (2), the child's
5 court-appointed special advocate, the district attorney or corporation counsel in the
6 county in which the dispositional order was entered, and, if the child is the expectant
7 mother of an unborn child under s. 48.133, the unborn child by the unborn child's
8 guardian ad litem; or shall notify the adult expectant mother, the unborn child
9 through the unborn child's guardian ad litem, all parties bound by the dispositional
10 order, and the district attorney or corporation counsel in the county in which the
11 dispositional order was entered, ~~at least 3 days prior to the hearing~~. A copy of the
12 request or proposal shall be attached to the notice. If all parties consent, the court
13 may proceed immediately with the hearing. No revision may extend the effective
14 period of the original order.

15 **SECTION 43.** 48.363 (1) (b) of the statutes, as affected by 2009 Wisconsin Acts
16 28 and (this act), is repealed and recreated to read:

17 48.363 (1) (b) If a hearing is held, at least 3 days prior to the hearing the court
18 shall notify the child, the child's parent, guardian and legal custodian, all parties
19 bound by the dispositional order, the child's foster parent or other physical custodian
20 described in s. 48.62 (2), the child's court-appointed special advocate, the district
21 attorney or corporation counsel in the county in which the dispositional order was
22 entered, and, if the child is the expectant mother of an unborn child under s. 48.133,
23 the unborn child by the unborn child's guardian ad litem; or shall notify the adult
24 expectant mother, the unborn child through the unborn child's guardian ad litem, all
25 parties bound by the dispositional order, and the district attorney or corporation

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1 counsel in the county in which the dispositional order was entered. A copy of the
2 request or proposal shall be attached to the notice. If all parties consent, the court
3 may proceed immediately with the hearing. No revision may extend the effective
4 period of the original order.

5 **SECTION 44.** 48.363 (1m) of the statutes is amended to read:

6 48.363 (1m) If a hearing is held under sub. (1) (a), any party may present
7 evidence relevant to the issue of revision of the dispositional order. In addition, the
8 court shall give a foster parent, treatment foster parent, or other physical custodian
9 described in s. 48.62 (2) of the child ~~an opportunity~~ a right to be heard at the hearing
10 by permitting the foster parent, treatment foster parent, or other physical custodian
11 to make a written or oral statement during the hearing, or to submit a written
12 statement prior to the hearing, relevant to the issue of revision. A foster parent,
13 treatment foster parent, or other physical custodian described in s. 48.62 (2) who
14 receives notice of a hearing under sub. (1) (a) and ~~an opportunity~~ a right to be heard
15 under this subsection does not become a party to the proceeding on which the hearing
16 is held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

17 **SECTION 45.** 48.363 (1m) of the statutes, as affected by 2009 Wisconsin Acts 28
18 and (this act), is repealed and recreated to read:

19 48.363 (1m) If a hearing is held under sub. (1) (a), any party may present
20 evidence relevant to the issue of revision of the dispositional order. In addition, the
21 court shall give a foster parent or other physical custodian described in s. 48.62 (2)
22 of the child a right to be heard at the hearing by permitting the foster parent or other
23 physical custodian to make a written or oral statement during the hearing, or to
24 submit a written statement prior to the hearing, relevant to the issue of revision. A
25 foster parent or other physical custodian described in s. 48.62 (2) who receives notice

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~~in a foster home, treatment foster home,
group home, ~~and~~ residential care center for children
and youth, or shelter care facility~~

of a hearing under sub. (1) (a) and a right to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

SECTION 46. 48.365 (2g) (b) 3. of the statutes is amended to read:

48.365 (2g) (b) 3. If the child has been placed outside of his or her home for 15 of the most recent 22 months, not including ~~any period during which the child's care was not eligible for reimbursement under 42 USC 670 to 679b,~~ any period during which the child was a runaway from the out-of-home placement, or the first 6 months of any period during which the child was returned to his or her home for a trial home visit, a statement of whether or not a recommendation has been made to terminate the parental rights of the parents of the child. If a recommendation for a termination of parental rights has been made, the statement shall indicate the date on which the recommendation was made, any previous progress made to accomplish the termination of parental rights, any barriers to the termination of parental rights, specific steps to overcome the barriers and when the steps will be completed, reasons why adoption would be in the best interest of the child, and whether or not the child should be registered with the adoption information exchange. If a recommendation for termination of parental rights has not been made, the statement shall include an explanation of the reasons why a recommendation for termination of parental rights has not been made. If the lack of appropriate adoptive resources is the primary reason for not recommending a termination of parental rights, the agency shall recommend that the child be registered with the adoption information exchange or report the reason why registering the child is contrary to the best interest of the child.

SECTION 47. 48.365 (2m) (a) 1m. of the statutes is created to read:

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1 48.365 (2m) (a) 1m. a. If the child is placed outside of his or her home and if the
2 child has one or more siblings, as defined in s. 48.38 (4) (br) 1., who have also been
3 placed outside the home, the person or agency primarily responsible for providing
4 services to the child shall present as evidence specific information showing that the
5 agency has made reasonable efforts to place the child in a placement that enables the
6 sibling group to remain together, unless the court has determined that a joint
7 placement would be contrary to the safety or well-being of the child or any of those
8 siblings, in which case the agency shall present as evidence specific information
9 showing that agency has made reasonable efforts to provide for frequent visitation
10 or other ongoing interaction between the child and the siblings, unless the court has
11 determined that such visitation or interaction would be contrary to the safety or
12 well-being of the child or any of those siblings.

13 b. If the child is placed outside the home and if the child has one or more
14 siblings, as defined in s. 48.38 (4) (br) 1., who have also been placed outside the home,
15 the findings of fact shall include a finding as to whether reasonable efforts have been
16 made by the agency primarily responsible for providing services to the child to place
17 the child in a placement that enables the sibling group to remain together, unless the
18 court has determined that a joint placement would be contrary to the safety or
19 well-being of the child or any of those siblings, in which case the findings of fact shall
20 include a finding as to whether reasonable efforts have been made by the agency to
21 provide for frequent visitation or other ongoing interaction between the child and the
22 siblings, unless the court has determined that such visitation or interaction would
23 be contrary to the safety or well-being of the child or any of those siblings.

24 ~~SECTION 48. 48.365 (2m) (a) 3. of the statutes is amended to read:~~

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1 48.365 (2m) (a) 3. The judge shall make the findings specified in subd. 1.
2 relating to reasonable efforts to achieve the goal of the child's permanency plan and
3 the findings specified in subd. 2. on a case-by-case basis based on circumstances
4 specific to the child and shall document or reference the specific information on
5 which those findings are based in the order issued under s. 48.355. An order that
6 merely references subd. 1. or 2. without documenting or referencing that specific
7 information in the order or an amended order that retroactively corrects an earlier
8 order that does not comply with this subdivision is not sufficient to comply with this
9 subdivision.

10 **SECTION 49.** 48.365 (2m) (ad) 1. of the statutes is renumbered 48.365 (2m) (ad)
11 and amended to read:

12 48.365 (2m) (ad) If the judge finds that any of the circumstances specified in
13 s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a
14 hearing under s. 48.38 (4m) within 30 days after the date of that finding to determine
15 the permanency plan for the child. ~~If a hearing is held under this subdivision, the~~
16 ~~agency responsible for preparing the permanency plan shall file the permanency~~
17 ~~plan with the court not less than 5 days before the date of the hearing.~~

18 **SECTION 50.** 48.365 (2m) (ad) 2. of the statutes, as affected by 2009 Wisconsin
19 Act 28, is repealed.

20 **SECTION 51.** 48.365 (2m) (ag) of the statutes is amended to read:

21 48.365 (2m) (ag) The court shall give a foster parent, treatment foster parent,
22 or other physical custodian described in s. 48.62 (2) who is notified of a hearing under
23 ~~par. (ad) 2. or sub. (2) an opportunity~~ a right to be heard at the hearing by permitting
24 the foster parent, treatment foster parent, or other physical custodian to make a
25 written or oral statement during the hearing, or to submit a written statement prior

BILL**SECTION 51**

1 to the hearing, relevant to the issue of extension. A foster parent, treatment foster
2 parent, or other physical custodian described in s. 48.62 (2) who receives notice of a
3 hearing under ~~par. (ad) 2. or sub. (2)~~ and ~~an opportunity~~ a right to be heard under
4 this paragraph does not become a party to the proceeding on which the hearing is
5 held solely on the basis of receiving that notice and ~~opportunity~~ right to be heard.

6 **SECTION 52.** 48.365 (2m) (ag) of the statutes, as affected by 2009 Wisconsin Acts
7 28 and (this act), is repealed and recreated to read:

8 48.365 (2m) (ag) The court shall give a foster parent or other physical custodian
9 described in s. 48.62 (2) who is notified of a hearing under sub. (2) a right to be heard
10 at the hearing by permitting the foster parent or other physical custodian to make
11 a written or oral statement during the hearing, or to submit a written statement
12 prior to the hearing, relevant to the issue of extension. A foster parent or other
13 physical custodian described in s. 48.62 (2) who receives notice of a hearing under
14 sub. (2) and a right to be heard under this paragraph does not become a party to the
15 proceeding on which the hearing is held solely on the basis of receiving that notice
16 and right to be heard.

17 **SECTION 53.** 48.38 (3) of the statutes is amended to read:

18 48.38 (3) TIME. Subject to ~~s. 48.355 (2d) (c) 1.~~ sub. (4m) (a), the agency shall file
19 the permanency plan with the court within 60 days after the date on which the child
20 was first removed from his or her home, except that if the child is held for less than
21 60 days in a juvenile detention facility, juvenile portion of a county jail, or a shelter
22 care facility, no permanency plan is required if the child is returned to his or her home
23 within that period.

24 **SECTION 54.** 48.38 (4) (br) of the statutes is renumbered 48.38 (4) (br) 1. and
25 amended to read:

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1 48.38 (4) (br) 1. ~~A statement as to the availability of a safe and appropriate~~
2 ~~placement with a foster parent, adoptive parent, or proposed adoptive parent of a~~
3 ~~sibling of the child and, if a decision is made not to place the child with an available~~
4 ~~foster parent, adoptive parent, or proposed adoptive parent of a sibling, a statement~~
5 ~~as to why placement with the foster parent, adoptive parent, or proposed adoptive~~
6 ~~parent of a sibling is not safe or appropriate.~~ In this paragraph, "sibling" means a
7 person who is a brother or sister of the child, whether by blood, marriage, or adoption,
8 including a person who was a brother or sister of a child before the person was
9 adopted or parental rights to the person were terminated.

10 **SECTION 55.** 48.38 (4) (br) 2. of the statutes is created to read:

11 48.38 (4) (br) 2. If the child has one or more siblings who have also been
12 removed from the home, a description of the efforts made to place the child in a
13 placement that enables the sibling group to remain together and, if a decision is made
14 not to place the child and his or her siblings in a joint placement, a statement as to
15 why a joint placement would be contrary to the safety or well-being of the child or
16 any of those siblings and a description of the efforts made to provide for frequent
17 visitation or other ongoing interaction between the child and those siblings. If a
18 decision is made not to provide for that visitation or interaction, the permanency plan
19 shall include a statement as to why that visitation or interaction would be contrary
20 to the safety or well-being of the child or any of those siblings.

21 **SECTION 56.** 48.38 (4) (fm) of the statutes is amended to read:

22 48.38 (4) (fm) If the goal of the permanency plan is to place the child for
23 adoption, with a guardian, with a fit and willing relative, or in some other alternative
24 permanent placement, the efforts made to achieve that goal. Those efforts shall

25 ✓ include efforts to place the child in a safe and appropriate placement outside this

, including, if appropriate, through an out-of-state placement

BILL**SECTION 56**

1 ~~state if the agency determines that such a placement would be in the best interests~~
2 ~~of the child and appropriate to achieving the goal of the child's permanency plan. If~~
3 ~~the agency determines not to place the child in an available placement outside this~~
4 ~~state, the permanency plan shall include a statement as to why that placement is not~~
5 ~~in the best interests of the child or not appropriate to achieving the goal of the child's~~
6 ~~permanency plan. If the child is placed in a placement outside this state, the~~
7 ~~permanency plan shall include a statement as to whether that placement continues~~
8 ~~to be in the best interests of the child and appropriate to achieving the goal of the~~
9 ~~child's permanency plan.~~

10 **SECTION 57.** 48.38 (4) (h) (intro.) of the statutes is amended to read:

11 48.38 (4) (h) (intro.) If the child is 15 years of age or over, a description of an
12 independent living plan describing the programs and services that are or will be
13 provided to assist the child in preparing for the transition from out-of-home care to
14 independent living. The description plan shall include all of the following:

15 **SECTION 58.** 48.38 (4) (i) of the statutes is created to read:

16 48.38 (4) (i) A statement as to whether the child's age and developmental level
17 are sufficient for the court to consult with the child at the permanency plan
18 determination hearing under sub. (4m) (c) or at the permanency plan hearing under
19 sub. (5m) (c) 2. or s. 48.43 (5) (b) 2. or for the court or panel to consult with the child
20 at the permanency plan review under sub. (5) (bm) 2. and, if a decision is made that
21 it would not be age appropriate or developmentally appropriate for the court or panel
22 to consult with the child, a statement as to why consultation with the child would not
23 be appropriate.

24 **SECTION 59.** 48.38 (4m) of the statutes is created to read:

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1 48.38 (4m) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY PLAN
2 DETERMINATION HEARING. (a) If in a proceeding under s. 48.21, 48.355, 48.357, or
3 48.365 the court finds that any of the circumstances under s. 48.355 (2d) (b) 1. to 5.
4 applies with respect to a parent, the court shall hold a hearing within 30 days after
5 the date of that finding to determine the permanency plan for the child. If a hearing
6 is held under this paragraph, the agency responsible for preparing the permanency
7 plan shall file the permanency plan with the court not less than 5 days before the date
8 of the the hearing. At the hearing, the court shall consider placing the child in a
9 placement outside this state if the court determines that such a placement would be
10 in the best interests of the child and appropriate to achieving the goal of the child's
11 permanency plan.

12 (b) At least 10 days before the date of the hearing, the court shall notify the
13 child; the child's parent, guardian, and legal custodian; and the child's foster parent
14 or treatment foster parent, the operator of the facility in which the child is living, or
15 the relative with whom the child is living of the time, place, and purpose of the
16 hearing, of the issues to be determined at the hearing, and of the fact that they shall
17 have a right to be heard at the hearing.

18 (c) If the child's permanency plan includes ~~an independent living plan under~~
19 ~~sub. (4) (h) or~~ a statement under sub. (4) (i) indicating that the child's age and
20 developmental level are sufficient for the court to consult with the child regarding
21 the child's permanency plan or if, notwithstanding a decision under sub. (4) (i) that
22 it would not be appropriate for the court to consult with the child, the court
23 determines that consultation with the child would be in the best interests of the child,
24 the court shall consult with the child, in an age-appropriate and developmentally
25 appropriate manner, regarding the child's permanency plan and any other matters

BILL**SECTION 59**

① If none of those circumstances apply, the court
= may permit

① the court finds appropriate by permitting the child, the child's caseworker, the child's
2 counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written
3 or oral statement during the hearing, or to submit a written statement prior to the
4 hearing, expressing the child's wishes, goals, and concerns regarding the
5 permanency plan and those matters. ~~(A caseworker, counsel, or guardian ad litem~~

6 who makes or submits a statement under this paragraph shall advise the court that
7 the statement represents the wishes, goals, and concerns, but not necessarily the
8 best interests, of the child.

9 (d) The court shall give a foster parent, treatment foster parent, operator of a

10 facility, or relative who is notified of a hearing under par. (b) a right to be heard at
11 the hearing by permitting the foster parent, treatment foster parent, operator, or
12 relative to make a written or oral statement during the hearing, or to submit a
13 written statement prior to the hearing, relevant to the issues to be determined at the
14 hearing. The foster parent, treatment foster parent, operator of a facility, or relative
15 does not become a party to the proceeding on which the hearing is held solely on the
16 basis of receiving that notice and right to be heard.

17 **SECTION 60.** 48.38 (4m) (b) and (d) of the statutes, as created by 2009 Wisconsin
18 Act ... (this act), are amended to read:

19 48.38 (4m) (b) At least 10 days before the date of the hearing, the court shall
20 notify the child; the child's parent, guardian, and legal custodian; and the child's
21 foster parent or treatment foster parent, the operator of the facility in which the child
22 is living, or the relative with whom the child is living of the time, place, and purpose
23 of the hearing, of the issues to be determined at the hearing, and of the fact that they
24 shall have a right to be heard at the hearing.

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1 (d) The court shall give a foster parent, ~~treatment foster parent~~, operator of a
2 facility, or relative who is notified of a hearing under par. (b) a right to be heard at
3 the hearing by permitting the foster parent, ~~treatment foster parent~~, operator, or
4 relative to make a written or oral statement during the hearing, or to submit a
5 written statement prior to the hearing, relevant to the issues to be determined at the
6 hearing. The foster parent, ~~treatment foster parent~~, operator of a facility, or relative
7 does not become a party to the proceeding on which the hearing is held solely on the
8 basis of receiving that notice and right to be heard.

9 **SECTION 61.** 48.38 (5) (b) of the statutes is amended to read:

10 48.38 (5) (b) The court or the agency shall notify ~~the parents of the child, the~~
11 ~~child, if he or she is 12 years of age or older, and; the child's parent, guardian, and~~
12 ~~legal custodian; and the child's foster parent, the child's or treatment foster parent,~~
13 the operator of the facility in which the child is living, or the relative with whom the
14 child is living of the date, time, and place, and purpose of the review, of the issues to
15 be determined as part of the review, and of the fact that they ~~may have an opportunity~~
16 shall have a right to be heard at the review ~~by submitting written comments not less~~
17 ~~than 10 working days before the review or by participating at the review as provided~~
18 in par. (bm) 1. The court or agency shall notify the person representing the interests
19 of the public, the child's counsel, the child's guardian ad litem, and the child's
20 court-appointed special advocate of the date time, place, and purpose of the review,
21 of the issues to be determined as part of the review, and of the fact that they may
22 ~~submit written comments not less than 10 working days before the review have an~~
23 opportunity to be heard at the review as provided in par. (bm) 1. The notices under
24 this paragraph shall be provided in writing not less than 30 days before the review
25 and copies of the notices shall be filed in the child's case record.